

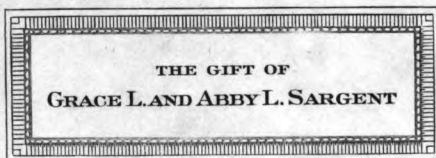
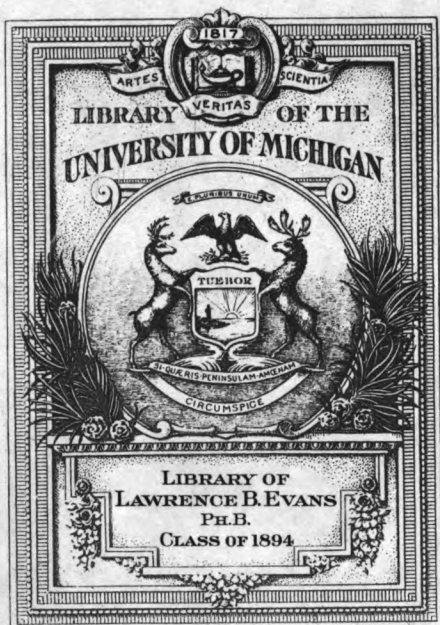
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The Commonwealth of Massachusetts

JK  
3125  
1918  
A75

# AMENDMENTS PASSED BY (THE) CONSTITUTIONAL CONVENTION, 1918.

FOR SUBMISSION TO THE PEOPLE AT THE  
ELECTION TO BE HELD NOVEMBER 5, 1918

TOGETHER WITH

## AN EXPLANATORY ADDRESS

BY THE PRESIDENT OF THE CONVENTION

JOHN L. BATES



BOSTON  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS  
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1918

TRANSMITTED BY THE SECRETARY OF THE COMMONWEALTH, AND DIS-  
TRIBUTED BY THE CITY AND TOWN CLERKS, AND IN BOSTON BY  
THE BOARD OF ELECTION COMMISSIONERS, IN ACCORDANCE  
WITH THE PROVISIONS OF ORDERS ADOPTED BY  
THE CONSTITUTIONAL CONVENTION

JK  
3125  
.1918  
A75



# The Commonwealth of Massachusetts.

## CONSTITUTIONAL CONVENTION.

*To the People of the Commonwealth of Massachusetts.*

The following articles of amendment to the Constitution of Massachusetts have been passed by the Constitutional Convention for submission to the people of the Commonwealth, are to be voted upon at the election to be held on the fifth day of November, 1918, and by order of the Convention are sent to you for your information in the order in which they will appear upon the ballot.

Each amendment is to be voted upon by itself, and so may be adopted or rejected independently of the others.

Before the first amendment, the ballot will bear this question:

To vote on the following, mark a Cross X in the square at the right of Yes or No:

Shall the following Article of Amendment relative to the establishment of the popular initiative and referendum and the legislative initiative of specific amendments of the Constitution, submitted by the Constitutional Convention, be approved and ratified?

YES.	
NO.	

Before each other amendment the question relating thereto will appear in similar form:

### FIRST AMENDMENT.

#### The Initiative and Referendum.

##### I. DEFINITION.

Legislative power shall continue to be vested in the general court; but the people reserve to themselves the popular initiative, which is the power of a specified number of voters to submit constitutional amendments and laws to the people for approval or rejection; and the popular referendum, which is the power of a specified number of voters to submit laws, enacted by the General Court, to the people for their ratification or rejection.

##### THE INITIATIVE.

##### II. INITIATIVE PETITIONS.

SECTION 1. *Contents.* — An initiative petition shall set forth the full text of the constitutional amendment or law, hereinafter designated as the measure, which is proposed by the petition.

SECTION 2. *Excluded Matters.* — No measure that relates to religion, religious practices or religious institutions; or to the appointment, qualification, tenure, removal, recall or compensation of judges; or to the reversal of a judicial decision; or to the powers, creation or abolition of courts; or the operation of which is restricted to a particular town, city or other political division or to particular districts or localities of the Commonwealth; or that makes a specific appropriation of money from the treasury of the Commonwealth, shall be proposed by an initiative petition; but if a law approved by the people is not repealed, the general court shall raise by taxation or otherwise and shall appropriate such money as may be necessary to carry such law into effect.

Neither the eighteenth amendment of the Constitution, as approved and ratified to take effect on the first day of October in the year nineteen hundred and eighteen, nor this provision for its protection, shall be the subject of an initiative amendment.

No proposition inconsistent with any one of the following rights of the individual, as at present declared in the declaration of rights, shall be the subject of an initiative or referendum petition: The right to receive compensation for private property appropriated to public use; the right of access to and protection in courts of justice; the right of trial by jury; protection from unreasonable search, unreasonable bail and the law martial; freedom of the press; freedom of speech; freedom of elections; and the right of peaceable assembly.

No part of the Constitution specifically excluding any matter from the operation of the popular initiative and referendum shall be the subject of an initiative petition; nor shall this section be the subject of such a petition.

The limitations on the legislative power of the General Court in the Constitution shall extend to the legislative power of the people as exercised hereunder.

SECTION 3. *Mode of Originating.* — Such petition shall first be signed by ten qualified voters of the Commonwealth and shall then be submitted to the attorney-general, and if he shall certify that the measure is in proper form for submission to the people, and that it is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people within three years of the succeeding first Wednesday in December and that it contains only subjects not excluded from the popular initiative and which are related or which are mutually dependent, it may then be filed with the secretary of the Commonwealth. The secretary of the Commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a description of the proposed measure as such description will appear on the ballot together with the names and residences of the first ten signers. All initiative petitions with the first ten signatures attached, shall be filed with the secretary of the Commonwealth not earlier than the first Wednesday of the September before the assembling of the General Court into which they are to be introduced, and the remainder of the required signatures shall be filed not later than the first Wednesday of the following December.

SECTION 4. *Transmission to the General Court.* — If an initiative petition, signed by the required number of qualified voters, has been filed as aforesaid, the secretary of the Commonwealth shall, upon the assembling of the general court, transmit it to the clerk of the House of Representatives, and the proposed measure shall then be deemed to be introduced and pending.

### III. LEGISLATIVE ACTION. GENERAL PROVISIONS.

SECTION 1. *Reference to Committee.* — If a measure is introduced into the General Court by initiative petition, it shall be referred to a committee thereof, and the petitioners and all parties in interest shall be heard, and the measure shall be considered and reported upon to the General Court with the committee's recommendations, and the reasons therefor, in writing. Majority and minority reports shall be signed by the members of said committee.

SECTION 2. *Legislative Substitutes.* — The General Court may, by resolution passed by yea and nay vote, either by the two houses separately, or in the case of a constitutional amendment by a majority of those voting thereon in joint session in each of two years as hereinafter provided, submit to the people a substitute for any measure introduced by initiative petition, such substitute to be designated on the ballot as the legislative substitute for such an initiative measure and to be grouped with it as an alternative therefor.

### IV. LEGISLATIVE ACTION ON PROPOSED CONSTITUTIONAL AMENDMENTS.

SECTION 1. *Definition.* — A proposal for amendment to the Constitution introduced into the General Court by initiative petition shall be designated an initiative amendment, and an amendment introduced by a member of either house shall be designated a legislative substitute or a legislative amendment.

SECTION 2. *Joint Session.* — If a proposal for a specific amendment of the Constitution is introduced into the General Court by initiative petition signed by not less than twenty-five thousand qualified voters, or if in case of a proposal for amendment introduced into the General Court by a member of either house, consideration thereof in joint session is called for by vote of either house, such proposal shall, not later than the second Wednesday in June, be laid before a joint session of the two houses, at which the president of the senate shall preside; and if the two houses fail to agree upon a time for holding any joint session hereby required, or fail to continue the same from time to time until final action has been taken upon all amendments pending, the Governor shall call such joint session or continuance thereof.

SECTION 3. *Amendment of Proposed Amendments.* — A proposal for an amendment to the Constitution introduced by initiative petition shall be voted upon in the form in which it was introduced, unless such amendment is amended by vote of three-fourths of the members voting thereon in joint session, which vote shall be taken by call of the yeas and nays if called for by any member.

SECTION 4. *Legislative Action.* — Final legislative action in the joint session upon any amendment shall be taken only by call of the yeas and nays, which shall be entered upon the journals of the two houses; and an unfavorable vote at any stage preceding final action shall be verified by call of the yeas and nays, to be entered in like manner. At such joint session a legislative amendment receiving the affirmative votes of a majority of all the members elected, or an initiative amendment receiving the affirmative votes of not less than one-fourth of all the members elected, shall be referred to the next General Court.

SECTION 5. *Submission to the People.* — If in the next General Court a legislative amendment shall again be agreed to in joint session by a majority

of all the members elected, or if an initiative amendment or a legislative substitute shall again receive the affirmative votes of at least one-fourth of all the members elected, such fact shall be certified by the clerk of such joint session to the secretary of the Commonwealth, who shall submit the amendment to the people at the next state election. Such amendment shall become part of the Constitution if approved, in the case of a legislative amendment, by a majority of the voters voting thereon, or if approved, in the case of an initiative amendment or a legislative substitute, by voters equal in number to at least thirty per cent of the total number of ballots cast at such state election and also by a majority of the voters voting on such amendment.

## V. LEGISLATIVE ACTION ON PROPOSED LAWS.

SECTION 1. *Legislative Procedure.* — If an initiative petition for a law is introduced into the General Court, signed by not less than twenty thousand qualified voters, a vote shall be taken by yeas and nays in both houses before the first Wednesday of June upon the enactment of such law in the form in which it stands in such petition. If the General Court fails to enact such law before the first Wednesday of June, and if such petition is completed by filing with the secretary of the Commonwealth, not earlier than the first Wednesday of the following July nor later than the first Wednesday of the following August, not less than five thousand signatures of qualified voters, in addition to those signing such initiative petition, which signatures must have been obtained after the first Wednesday of June aforesaid, then the secretary of the Commonwealth shall submit such proposed law to the people at the next state election. If it shall be approved by voters equal in number to at least thirty per cent of the total number of ballots cast at such state election and also by a majority of the voters voting on such law, it shall become law, and shall take effect in thirty days after such state election or at such time after such election as may be provided in such law.

SECTION 2. *Amendment by Petitioners.* — If the General Court fails to pass a proposed law before the first Wednesday of June, a majority of the first ten signers of the initiative petition therefor shall have the right, subject to certification by the attorney-general filed as hereinafter provided, to amend the measure which is the subject of such petition. An amendment so made shall not invalidate any signature attached to the petition. If the measure so amended, signed by a majority of the first ten signers, is filed with the secretary of the Commonwealth before the first Wednesday of the following July, together with a certificate signed by the attorney-general to the effect that the amendment made by such proposers is in his opinion perfecting in its nature and does not materially change the substance of the measure, and if such petition is completed by filing with the secretary of the Commonwealth, not earlier than the first Wednesday of the following July nor later than the first Wednesday of the following August, not less than five thousand signatures of qualified voters, in addition to those signing such initiative petition, which signatures must have been obtained after the first Wednesday of June aforesaid, then the secretary of the Commonwealth shall submit the measure to the people in its amended form.

## VI. CONFLICTING AND ALTERNATIVE MEASURES.

If in any judicial proceeding, provisions of constitutional amendments or of laws approved by the people at the same election are held to be in conflict, then the provisions contained in the measure that received the largest number of affirmative votes at such election shall govern.



A constitutional amendment approved at any election shall govern any law approved at the same election.

The General Court, by resolution passed as hereinbefore set forth, may provide for grouping and designating upon the ballot as conflicting measures or as alternative measures, only one of which is to be adopted, any two or more proposed constitutional amendments or laws which have been or may be passed or qualified for submission to the people at any one election: provided, that a proposed constitutional amendment and a proposed law shall not be so grouped, and that the ballot shall afford an opportunity to the voter to vote for each of the measures or for only one of the measures, as may be provided in said resolution, or against each of the measures so grouped as conflicting or as alternative. In case more than one of the measures so grouped shall receive the vote required for its approval as herein provided, only that one for which the largest affirmative vote was cast shall be deemed to be approved.

## THE REFERENDUM.

### I. WHEN STATUTES SHALL TAKE EFFECT.

No law passed by the General Court shall take effect earlier than ninety days after it has become a law, excepting laws declared to be emergency laws and laws which may not be made the subject of a referendum petition, as herein provided.

### II. EMERGENCY MEASURES.

A law declared to be an emergency law shall contain a preamble setting forth the facts constituting the emergency, and shall contain the statement that such law is necessary for the immediate preservation of the public peace, health, safety or convenience. A separate vote shall be taken on the preamble by call of the yeas and nays, which shall be recorded, and unless the preamble is adopted by two-thirds of the members of each house voting thereon, the law shall not be an emergency law; but if the Governor, at any time before the election at which it is to be submitted to the people on referendum, files with the secretary of the Commonwealth a statement declaring that in his opinion the immediate preservation of the public peace, health, safety or convenience requires that such law should take effect forthwith and that it is an emergency law and setting forth the facts constituting the emergency, then such law, if not previously suspended as hereinafter provided, shall take effect without suspension, or if such law has been so suspended such suspension shall thereupon terminate and such law shall thereupon take effect: but no grant of any franchise or amendment thereof, or renewal or extension thereof for more than one year shall be declared to be an emergency law.

### III. REFERENDUM PETITIONS.

SECTION 1. *Contents.* — A referendum petition may ask for a referendum to the people upon any law enacted by the General Court which is not herein expressly excluded.

SECTION 2. *Excluded Matters.* — No law that relates to religion, religious practices or religious institutions; or to the appointment, qualification, tenure, removal or compensation of judges; or to the powers, creation or abolition of courts, or the operation of which is restricted to a particular town, city or other political division or to particular districts or localities of the Commonwealth, or that appropriates money for the current or ordinary expenses of the Commonwealth or for any of its departments, boards, commissions or institutions shall be the subject of a referendum petition.

SECTION 3. *Mode of Petitioning for the Suspension of a Law and a Referendum thereon.* — A petition asking for a referendum on a law, and requesting that the operation of such law be suspended, shall first be signed by ten qualified voters and shall then be filed with the secretary of the Commonwealth not later than thirty days after the law that is the subject of the petition has become law. The secretary of the Commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a description of the proposed law as such description will appear on the ballot together with the names and residences of the first ten signers. If such petition is completed by filing with the secretary of the Commonwealth not later than ninety days after the law which is the subject of the petition has become law the signatures of not less than fifteen thousand qualified voters of the Commonwealth, then the operation of such law shall be suspended, and the secretary of the Commonwealth shall submit such law to the people at the next state election, if thirty days intervene between the date when such petition is filed with the secretary of the Commonwealth and the date for holding such state election; if thirty days do not so intervene, then such law shall be submitted to the people at the next following state election, unless in the meantime it shall have been repealed; and if it shall be approved by a majority of the qualified voters voting thereon, such law shall, subject to the provisions of the Constitution, take effect in thirty days after such election, or at such time after such election as may be provided in such law; if not so approved such law shall be null and void; but no such law shall be held to be disapproved if the negative vote is less than thirty per cent of the total number of ballots cast at such state election.

SECTION 4. *Petitions for Referendum on an Emergency Law or a Law the Suspension of which is not asked for.* — A referendum petition may ask for the repeal of an emergency law or of a law which takes effect because the referendum petition does not contain a request for suspension, as aforesaid. Such petition shall first be signed by ten qualified voters of the Commonwealth, and shall then be filed with the secretary of the Commonwealth not later than thirty days after the law which is the subject of the petition has become law. The secretary of the Commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a description of the proposed law as such description will appear on the ballot together with the names and residences of the first ten signers. If such petition filed as aforesaid is completed by filing with the secretary of the Commonwealth not later than ninety days after the law which is the subject of the petition has become law the signatures of not less than ten thousand qualified voters of the Commonwealth protesting against such law and asking for a referendum thereon, then the secretary of the Commonwealth shall submit such law to the people at the next state election, if thirty days intervene between the date when such petition is filed with the secretary of the Commonwealth and the date for holding such state election. If thirty days do not so intervene, then it shall be submitted to the people at the next following state election, unless in the meantime it shall have been repealed; and if it shall not be approved by a majority of the qualified voters voting thereon, it shall, at the expiration of thirty days after such election, be thereby repealed; but no such law shall be held to be disapproved if the negative vote is less than thirty per cent of the total number of ballots cast at such state election.

## GENERAL PROVISIONS.

### I. IDENTIFICATION AND CERTIFICATION OF SIGNATURES.

Provision shall be made by law for the proper identification and certification of signatures to the petitions hereinbefore referred to, and for penalties for signing any such petition, or refusing to sign it, for money or other valuable consideration, and for the forgery of signatures thereto. Pending the passage of such legislation all provisions of law relating to the identification and certification of signatures to petitions for the nomination of candidates for state offices or to penalties for the forgery of such signatures shall apply to the signatures to the petitions herein referred to. The General Court may provide by law that no co-partnership or corporation shall undertake for hire or reward to circulate petitions, may require individuals who circulate petitions for hire or reward to be licensed, and may make other reasonable regulations to prevent abuses arising from the circulation of petitions for hire or reward.

### II. LIMITATION ON SIGNATURES.

Not more than one-fourth of the certified signatures on any petition shall be those of registered voters of any one county.

### III. FORM OF BALLOT.

Each proposed amendment to the Constitution, and each law submitted to the people, shall be described on the ballots by a description to be determined by the attorney-general, subject to such provision as may be made by law, and the secretary of the Commonwealth shall give each question a number and cause such question, except as otherwise authorized herein, to be printed on the ballot in the following form:—

In the case of an amendment to the Constitution: Shall an amendment to the Constitution (here insert description, and state, in distinctive type, whether approved or disapproved by the General Court, and by what vote thereon) be approved?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

In the case of a law: Shall a law (here insert description, and state, in distinctive type, whether approved or disapproved by the General Court, and by what vote thereon) be approved?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

### IV. INFORMATION FOR VOTERS.

The secretary of the Commonwealth shall cause to be printed and sent to each registered voter in the Commonwealth the full text of every measure to be submitted to the people, together with a copy of the legislative committee's majority and minority reports, if there be such, with the names of the majority and minority members thereon, a statement of the votes of the General Court on the measure, and a description of the measure as such description will appear on the ballot; and shall, in such manner as may be provided by law, cause to be prepared and sent to the voters other information and arguments for and against the measure.

### V. THE VETO POWER OF THE GOVERNOR.

The veto power of the governor shall not extend to measures approved by the people.

### VI. THE GENERAL COURT'S POWER OF REPEAL.

Subject to the veto power of the governor and to the right of referendum by petition as herein provided, the General Court may amend or repeal a law approved by the people.

## **VII. AMENDMENT DECLARED TO BE SELF-EXECUTING.**

This article of amendment to the Constitution is self-executing, but legislation not inconsistent with anything herein contained may be enacted to facilitate the operation of its provisions.

## **VIII. ARTICLES IX AND XLII OF AMENDMENTS OF THE CONSTITUTION ANNULLED.**

Article IX and Article XLII of the amendments of the Constitution are hereby annulled.

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### **SECOND AMENDMENT.**

#### **Public Interest in Natural Resources.**

The conservation, development and utilization of the agricultural, mineral, forest, water and other natural resources of the commonwealth, are public uses, and the general court shall have power to provide for the taking, upon payment of just compensation therefor, of lands and easements or interests therein, including water and mineral rights, for the purpose of securing and promoting the proper conservation, development, utilization and control thereof and to enact legislation necessary or expedient therefor.

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### **THIRD AMENDMENT.**

#### **Regulation of Advertising in Public Places.**

Advertising on public ways, in public places and on private property within public view may be regulated and restricted by law.

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### **FOURTH AMENDMENT.**

#### **Preservation and Maintenance of Property of Historical and Antiquarian Interest.**

The preservation and maintenance of ancient landmarks and other property of historical or antiquarian interest is a public use, and the Commonwealth and the cities and towns therein may, upon payment of just compensation, take such property or any interest therein under such regulations as the General Court may prescribe.

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### **FIFTH AMENDMENT.**

#### **Adjournments of the General Court.**

The General Court, by concurrent vote of the two houses, may take a recess or recesses amounting to not more than thirty days; but no such recess shall extend beyond the sixtieth day from the date of their first assembling.

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### **SIXTH AMENDMENT.**

#### **Selection of Officers of the Militia.**

Article X of Section I of Chapter II of the Constitution, the last two paragraphs of Article IV of the Articles of Amendment, relating to the appointment of a commissary general and the removal of militia officers,

and Article V of the Articles of Amendment are hereby annulled, and the following is adopted in place thereof:

ARTICLE X. All military and naval officers shall be selected and appointed and may be removed in such manner as the General Court may by law prescribe, but no such officer shall be appointed unless he shall have passed an examination prepared by a competent commission or shall have served one year in either the Federal or State Militia or in military service. All such officers who are entitled by law to receive commissions shall be commissioned by the Governor.

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#### SEVENTH AMENDMENT.

##### **Powers of the Governor as Commander-in-Chief.**

Article VII of Section I of Chapter II of the Constitution is hereby annulled and the following is adopted in place thereof:

ARTICLE VII. The General Court shall provide by law for the recruitment, equipment, organization, training and discipline of the military and naval forces. The Governor shall be the Commander-in-Chief thereof, and shall have power to assemble the whole or any part of them for training, instruction or parade, and to employ them for the suppression of rebellion, the repelling of invasion, and the enforcement of the laws. He may, as authorized by the General Court, prescribe from time to time the organization of the military and naval forces and make regulations for their government.

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#### EIGHTH AMENDMENT.

##### **Succession in Cases of Vacancies in the Offices of Governor and Lieutenant Governor.**

Article VI of Section III of Chapter II of the Constitution is hereby annulled and the following is adopted in place thereof:

Whenever the offices of Governor and Lieutenant-Governor shall both be vacant, by reason of death, absence from the Commonwealth, or otherwise, then one of the following officers, in the order of succession herein named, namely, the Secretary, Attorney-General, Treasurer and Receiver-General, and Auditor, shall, during such vacancy, have full power and authority to do and execute all and every such acts, matters and things as the Governor or the Lieutenant-Governor might or could lawfully do or execute, if they, or either of them, were personally present.

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#### NINTH AMENDMENT.

##### **Return of Bills and Resolves by the Governor with Recommendation for Amendment.**

The Governor, within five days after any bill or resolve shall have been laid before him, shall have the right to return it to the branch of the General Court in which it originated with a recommendation that any amendment or amendments specified by him be made therein. Such bill or resolve shall thereupon be before the General Court and subject to amendment and re-enactment. If such bill or resolve is re-enacted in any form it shall again be laid before the Governor for his action, but he shall have no right to return the same a second time with a recommendation to amend.

#### **TENTH AMENDMENT.**

##### **Women to be Eligible to Appointment as Notaries Public.**

Article IV of the articles of amendment of the Constitution of the Commonwealth is hereby amended by adding thereto the following words:— Women shall be eligible to appointment as notaries public. Change of name shall render the commission void, but shall not prevent reappointment under the new name.

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#### **ELEVENTH AMENDMENT.**

##### **Retirement of Judicial Officers.**

Article I of Chapter III of Part the Second of the Constitution is hereby amended by the addition of the following words:— and provided also that the Governor, with the consent of the Council, may after due notice and hearing retire them because of advanced age or mental or physical disability. Such retirement shall be subject to any provisions made by law as to pensions or allowances payable to such officers upon their voluntary retirement.

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#### **TWELFTH AMENDMENT.**

##### **Revocation of Grants, Franchises, Privileges or Immunities.**

Every charter, franchise or act of incorporation shall forever remain subject to revocation and amendment.

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#### **THIRTEENTH AMENDMENT.**

##### **Power of General Court to establish Building Zones or Districts.**

The general court shall have power to limit buildings according to their use or construction to specified districts of cities and towns.

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#### **FOURTEENTH AMENDMENT.**

##### **Compulsory Voting at Elections.**

The General Court shall have authority to provide for compulsory voting at elections, but the right of secret voting shall be preserved.

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#### **FIFTEENTH AMENDMENT.**

##### **Lending the Credit of the Commonwealth.**

SECTION 1. The credit of the Commonwealth shall not in any manner be given or loaned to or in aid of any individual, or of any private association, or of any corporation which is privately owned and managed.

SECTION 2. The Commonwealth may borrow money to repel invasion, suppress insurrection, defend the Commonwealth, or to assist the United States in case of war, and may also borrow money in anticipation of receipts from taxes or other sources, such loan to be paid out of the revenue of the year in which it is created.

SECTION 3. In addition to the loans which may be contracted as before provided, the Commonwealth may borrow money only by a vote, taken by the yeas and nays, of two-thirds of each house of the General Court present and voting thereon. The Governor shall recommend to the General Court the term for which any loan shall be contracted.

SECTION 4. Borrowed money shall not be expended for any other purpose than that for which it was borrowed or for the reduction or discharge of the principal of the loan.

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#### SIXTEENTH AMENDMENT.

##### A State Budget and Veto of Items by the Governor.

SECTION 1. *Collection of Revenue.* — All money received on account of the Commonwealth from any source whatsoever shall be paid into the treasury thereof.

SECTION 2. *The Budget.* — Within three weeks after the convening of the General Court the Governor shall recommend to the General Court a budget which shall contain a statement of all proposed expenditures of the Commonwealth for the fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. This shall be arranged in such form as the General Court may by law prescribe, or, in default thereof, as the Governor shall determine. For the purpose of preparing his budget, the Governor shall have power to require any board, commission, officer or department to furnish him with any information which he may deem necessary.

SECTION 3. *The General Appropriation Bill.* — All appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a single bill which shall be called the general appropriation bill. The General Court may increase, decrease, add or omit items in the budget. The General Court may provide for its salaries, mileage, and expenses and for necessary expenditures in anticipation of appropriations, but before final action on the general appropriation bill it shall not enact any other appropriation bill except on recommendation of the Governor. The Governor may at any time recommend to the General Court supplementary budgets which shall be subject to the same procedure as the original budget.

SECTION 4. *Special Appropriation Bills.* — After final action on the general appropriation bill or on recommendation of the Governor, special appropriation bills may be enacted. Such bills shall provide the specific means for defraying the appropriations therein contained.

SECTION 5. *Submission to the Governor.* — The Governor may disapprove or reduce items or parts of items in any bill appropriating money. So much of such bill as he approves shall upon his signing the same become law. As to each item disapproved or reduced, he shall transmit to the house in which the bill originated his reason for such disapproval or reduction, and the procedure shall then be the same as in the case of a bill disapproved as a whole. In case he shall fail so to transmit his reasons for such disapproval or reduction within five days after the bill shall have been presented to him, such items shall have the force of law unless the General Court by adjournment shall prevent such transmission, in which case they shall not be law.

## **SEVENTEENTH AMENDMENT.**

### **Biennial Elections.**

**SECTION 1.** The Governor, Lieutenant-Governor, Councillors, Secretary, Treasurer and Receiver-General, Attorney-General, Auditor, Senators and Representatives, shall be elected biennially. The Governor, Lieutenant-Governor and Councillors shall hold their respective offices from the first Wednesday in January succeeding their election to and including the first Wednesday in January in the third year following their election and until their successors are chosen and qualified. The terms of Senators and Representatives shall begin with the first Wednesday in January succeeding their election and shall extend to the first Wednesday in January in the third year following their election and until their successors are chosen and qualified. The terms of the Secretary, Treasurer and Receiver-General, Attorney-General and Auditor, shall begin with the third Wednesday in January succeeding their election and shall extend to the third Wednesday in January in the third year following their election and until their successors are chosen and qualified.

**SECTION 2.** No person shall be eligible to election to the office of Treasurer and Receiver-General for more than three successive terms.

**SECTION 3.** The General Court shall assemble every year on the first Wednesday in January.

**SECTION 4.** The first election to which this article shall apply shall be held on the Tuesday next after the first Monday in November in the year nineteen hundred and twenty, and thereafter elections for the choice of all the officers before-mentioned shall be held biennially on the Tuesday next after the first Monday in November.

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## **EIGHTEENTH AMENDMENT.**

### **Appointment of Legislators to Office and Service Upon Recess Committees.**

No person elected to the General Court shall during the term for which he was elected be appointed to any office created or the emoluments whereof are increased during such term, nor receive additional salary or compensation for service upon any recess committee or commission except a committee appointed to examine a general revision of the statutes of the Commonwealth when submitted to the General Court for adoption.

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## **NINETEENTH AMENDMENT.**

### **More Efficient Administration of the Business of the Commonwealth.**

On or before January first, nineteen hundred twenty-one, the executive and administrative work of the Commonwealth shall be organized in not more than twenty departments, in one of which every executive and administrative office, board and commission, except those officers serving directly under the Governor or the Council, shall be placed. Such departments shall be under such supervision and regulation as the General Court may from time to time prescribe by law.



## ADDRESS OF JOHN L. BATES, PRESIDENT OF THE CONVENTION.

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The following address was delivered by John L. Bates, the President of the Convention, at the close of its session, August 21, 1918. Believing that an explanatory statement of the Amendments to be submitted to the people might aid the voters, the Convention ordered that the address be printed and sent to the registered voters of the Commonwealth.

### *Gentlemen of the Convention.*

Before we separate it is perhaps well that I should briefly state the work which has been accomplished by the Convention. No Constitutional Convention had met in this State for a period of sixty-four years prior to our coming together. To us there were submitted more than three hundred matters, involving all the principles of Democratic Government and in many different phases. All have been most carefully considered. Only twenty-two have met with your approval. The rest have been rejected.

Last November we submitted to the people three proposals of amendment, namely: —

1. **Absentee voting.**
2. **Authorizing the Commonwealth and cities and towns to supply the necessities of life in times of war and public exigency.**
3. **The so-called Anti-Aid Amendment.**

The ratification of these three by substantial majorities, not only in the State at large but also in every county in the State, shows how well they expressed the prevailing sentiments of the voters.

The "absentee voting" amendment cured a long-standing injustice and at the same time dignified the right and duty to vote by making it no longer depend upon the incidental circumstance of presence at home on the day of an election.

The amendment enabling the government of the Commonwealth to supply necessities of life in cases of public emergency was born of the demand of the times, and gives promise of affording relief in times of misfortune and stress.

The "anti-aid amendment" closely binds the Convention of 1917-18 with the Convention of 1853. Had that body solved the question of the relation of the State to sectarian institutions, we should have been spared the long controversy which has disturbed the General Court through so many sessions and which has arrayed various groups of the population in hostility to each other and threatened the peace of the State. Happily the way is now open to complete harmony, and every religious body may now pursue its work with the strength born of the confidence that each of them receives every privilege under the law which any of them receive, and that there are special favors for none. The opinion has been quite commonly stated in the press that if this Convention had done nothing but settle this question it would have been sufficient to have justified its existence.

*In addition to these amendments already accepted by the people the Convention has passed for submission at the next election nineteen others, which will appear on the ballot in the following order, namely: —*

**1. Amendment to provide for Establishing the Popular Initiative and Referendum, and the Legislative Initiative of Specific Amendments of the Constitution.**

One of the longest debates in American political history took place in this Convention over this measure. It may well be doubted if the principles of the measure were ever before so thoroughly discussed by any body of men. I refrain from commenting on it. The fires may smoulder but they still burn, and I think it wise not to risk the stirring of the embers of twelve weeks of discussion. If adopted by the people, may its results justify the fond hopes of its advocates. If rejected, may the future history of our representative form of Government show that its adoption was not necessary for the people's protection.

**2. Amendment relative to the Public Interest in Natural Resources.**

This amendment makes possible the taking by right of eminent domain, and the conservation, development, utilization and control of the agricultural, mineral, forest, water and other natural resources of the State under such legislation as the General Court may enact. There has been a wide difference of opinion as to the wisdom of this resolution. Its adoption by the people is pregnant with great possibilities and may result in its recognition hereafter as by far the most important amendment submitted by this Convention to the people. They will give it most careful consideration.

**3. Amendment to provide for the Regulation of Advertising in Public Places.**

This amendment, adopted by a large majority in the Convention, is indicative of the change of public opinion as to the extent to which, in the interest of the general welfare, it is proper for the State to interfere with the use of private property. The adoption of this amendment will make possible the passage of laws to prevent the disfiguring of boulevards, parks and beautiful landscapes by unsightly advertising.

**4. Amendment relative to the Preservation and Maintenance of Property of Historical and Antiquarian Interest.**

This amendment may be of a minor character but is of much interest. Its adoption will enable the State and cities and towns through the exercise of the right of eminent domain to preserve and maintain ancient landmarks and historical property. Our respect for the noble past of Massachusetts will cause this amendment to be adopted, to the end that those things of priceless worth associated with our honored history may be preserved to tell their inspiring story to the generations that follow us.

**5. Amendment relative to Adjournments of the General Court.**

The present provision of the Constitution which prevents the adjournment of the General Court for more than two days at a time tends to retard its progress at the beginning of its annual session by preventing the committees from holding continued and all-day hearings. This amendment will enable it during the first sixty days of any session to take a recess or recesses amounting to not more than thirty days so as to give committees opportunity for work. There would seem to be no valid objection to the adoption of this amendment, and its adoption will tend to expedite the business of the Legislature.

**6. Amendment relative to the Selection of Officers of the Militia.**

**7. Amendment relative to the Powers of the Commander-in-Chief and of the General Court in Matters concerning the Militia.**

The sections of the Constitution dealing with the militia were formulated before the adoption of the Federal Constitution, and the situation to

which they applied no longer exists. These two amendments are intended to adapt our militia system to the relations which now obtain between the State and Federal governments. There should be no substantial opposition to them.

**8. Amendment relative to Succession to the Offices of Governor and Lieutenant-Governor in Cases of Vacancies in those Offices.**

This amendment provides for the order of succession in case the offices of Governor and Lieutenant-Governor should become vacant at the same time. The present provision of the Constitution, that in such a contingency the office of Governor shall devolve upon the Council, is cumbersome and unworkable. The amendment which we recommend provides that the office shall devolve upon the Secretary, Attorney-General, Treasurer and Receiver-General, and Auditor, in the order named. If the unanimity of the Convention on this matter correctly represents the views of the people, this amendment will be very nearly unanimously adopted.

**9. Amendment relative to the Return by the Governor, with Recommendations for Amendment, of Bills passed by the General Court.**

The Convention believes it to be wise, as provided by this resolution, to allow the Governor to return to the General Court any bill which he is unwilling to sign, with a statement of changes which would remove his objections. This has in rare instances been done by Governors, but there being no authority for such action in the Constitution, legislators have sometimes resented it as an unwarranted interference with the General Court. It seems to the Convention, however, that such communications from the Governor might facilitate legislation and that he ought to be vested with definite authority to pursue such a course.

**10. Amendment providing that Women shall be eligible to Appointment as Notaries Public.**

There is nothing in the duties of a notary public that cannot be discharged by women equally as well as by men. In these days when women are so rapidly assuming the duties and doing the work of men in all the varied callings of life no further explanation of this amendment is necessary. No reason has been presented to the Convention why this resolution should not be submitted to the people, and it will undoubtedly meet with their approval.

**11. Amendment relative to the Retirement of Judicial Officers.**

Long discussions in the Convention and in the press have failed to disclose any widespread need for a radical revision of our judiciary system. The only change that the Convention has thought it desirable to recommend is this provision, whereby the Governor and Council may, after due notice and hearing, retire any judge because of advanced age or mental or physical disability.

**12. Amendment relative to the Revocation or Alteration of Grants, Franchises, Privileges or Immunities.**

This amendment makes certain that the people shall retain the right to revoke or alter the privileges granted to private corporations. The bare statement of this amendment carries with it its own justification, and it will be approved by all who believe that it is unwise for the State ever to grant to private corporations privileges that cannot be revoked when the public good requires it.

**13. Amendment relative to the Power of the General Court to limit Buildings according to their Use or Construction to Specified Districts of Cities and Towns.**

The adoption of this amendment will make it possible to divide cities and towns into building zones, and to limit the use and construction of buildings therein, and thereby protect residential districts from invasions by manufacturing and mercantile business.

**14. Amendment relative to Compulsory Voting at Elections.**

This amendment empowers but does not require the General Court to pass legislation to compel voters to exercise the right of franchise.

**15. Amendment relative to Lending the Credit of the Commonwealth and the Contracting of Loans.**

This amendment is intended to prevent the lending of the credit of the State to private enterprises, and imposes wholesome safeguards on the contracting of loans. In view of the vast expenditure entailed by the war, it is believed that the adoption of this measure will be a timely means of protecting the public credit.

**16. Amendment providing for a State Budget and the Veto by the Governor of Items or Parts of Items in Appropriation Bills.**

At the last session of the General Court an excellent statute was enacted providing for a State budget system. The Convention, however, has deemed it wise to recommend a constitutional provision on the subject because certain essential features of a satisfactory budget system are not at present within the power of the General Court to provide. Such a system should require that the Executive, who is responsible for carrying on the business of the State, should ascertain the needs of the State departments, should learn what revenues are available and should recommend to the General Court a systematic plan covering both the revenue and the expenditures of the ensuing year. The budget bill enacted by the Legislature last April makes adequate provision for these features, but since the General Court after considering the recommendations of the Governor may enact a general appropriation bill widely different from that recommended by the Governor, he should be empowered to act independently upon each item of the bill, and not be compelled to accept or reject the measure as a whole. The veto power of the Governor, as now limited in the Constitution, does not permit this and hence the Convention recommends the adoption of this amendment setting forth the outlines of a budget system and authorizing the Governor to act on each item in an appropriation bill as if it were a separate measure. This plan will commend itself to the sound business sense of the people.

**17. Amendment to provide for Biennial Elections of State Officers, Councillors, and Members of the General Court.**

Massachusetts has long had the lonely distinction of being the only State in the Union which thought it wise to choose its officers for a term of but a single year, and there are only two other States which elect a House of Representatives annually. The general abandonment of annual elections throughout the country and the satisfactory results thought to be obtained from longer terms of office are advanced as an argument in favor of the change which this Convention recommends. It is also urged by those who favor this amendment that elections cost the State and campaign committees a large sum annually, which might be saved in alternate years, with the added advantage of freedom of business from political turmoil and greater efficiency of public servants. It is unfortunate that in discussions

of the subject it is generally assumed that biennial elections and biennial sessions of the Legislature go together. There is no necessary connection between the two, and they rest upon entirely different considerations. The Convention's resolution providing for biennial elections expressly provides that the General Court shall assemble annually.

**18. Amendment relative to Appointment to Office and Service on Certain Legislative Recess Committees and Commissions.**

Obviously new offices must from time to time be created, and the amendment which we submit imposes no restriction upon the judgment of the General Court as to the necessity for them, or for recess committees. By providing, however, as this amendment does, that no member of the General Court shall, during the term for which he was elected, be appointed to any office created during such term, or receive additional compensation for service upon any recess committee, except on occasion of the periodical revision of the general statutes, we remove an obvious temptation to the creation of offices or committees which are unnecessary.

**19. Amendment to provide for the More Efficient Administration of the Business of the Commonwealth.**

The reorganization of the executive branch of the government has received long consideration. The multitude of independent boards and commissions not directly responsible to the Governor has been often criticised as not ideal in theory and as likely to produce unsatisfactory results in practice. This amendment provides for the organization of all the executive and administrative work of the State in not more than twenty departments, within one of which every executive board, commission and officer shall be placed.

Of the nineteen resolutions thus to be submitted at the State election in November it may safely be said that the final large vote by which, after careful consideration, fifteen of them were adopted in the Convention, justifies the belief that these at least will be accepted by the voters. The attitude of the public in regard to the remaining four, namely, the first, second, fourteenth and seventeenth, being the resolutions in regard to the initiative and referendum, natural resources, compulsory voting, and biennial elections, may not be so clear. They had not that unanimity of final approval in the Convention that would indicate their certain acceptance by the people. Nevertheless, it is just and fair for me to state that every amendment goes to the people with the recommendation of a working majority of this Convention.

If we compare the work of this Convention with that of the Conventions of 1820 and of 1853, one striking contrast is at once apparent. The Convention of 1820 submitted fourteen amendments to the people, only one of which purported to confer any additional power upon the General Court. The Convention of 1853 submitted seven amendments besides the numerous changes embodied in a revised draft of the Constitution. Not one of these propositions involved the conferring of any additional power upon the General Court. If we turn to the resolutions which this Convention has recommended it will be noticed that a number of them enlarge the power of the General Court, while only a few of them impose restrictions. The outlook upon government has changed. The Constitution of 1780 was framed upon the assumption that officials might abuse any authority with which vested. Therefore an elaborate series of checks and balances was arranged for the protection of the public. Experience has shown, however, that such fear of abuse of authority was not well founded,

and at the same time there has been a growing conviction that the field of governmental activity should be expanded and within that field the organs of government should be allowed large freedom of action. These changes in public sentiment are reflected in the work of this Convention, which, if ratified by the people, will remove many restrictions that now attach to official action.

It has seemed to the Convention that its work could not be complete until it had submitted to the people a revised draft of the Constitution that should incorporate therein all the amendments, nearly fifty in number, adopted since the original Constitution of 1780. It is obvious that such a revision would be of slight value if it did not also include such amendments now submitted as the people may adopt at the coming election. The Convention has therefore provided for a special committee to meet after the results of the voting in November are known. This committee is to prepare a draft of a revised Constitution, incorporating therein all the amendments that shall have then been adopted, and this draft is to be submitted to the Convention next summer. It is believed that the Convention can then pass upon it without delay and provide for its submission to the people at the following election, and having so done the Convention will adjourn *sine die*, satisfied that it has, to the best of its ability, faithfully and completely discharged the great trust reposed in it.

While our labors are not therefore over, they are ended for the present, and our future assembling will be for but a brief period and for a specific object.

We have met under most unusual conditions. This Convention was determined upon before our country was involved in the great struggle, but we did not meet until the war was upon us. There was some question as to whether a Convention could do wise work under such conditions, but as the days went by it has abundantly appeared that the conflict of nations has but served to intensify the interest of this Convention in the fundamental principles of government, for more and more it appears that the principles on which Massachusetts has founded its government for a hundred and well-nigh two score years are the principles to which the world looks for deliverance from autocracy and tyranny.

As we have toiled here in modest and quiet fashion, occasionally there have come to us vivid glimpses of the world struggle. Our soldiers have come back and told us their story. Members of this Convention have put on the uniform and gone forth proudly to do their part "over there." High commissions from France, Belgium, Italy and Japan have looked in upon us, and on this day one year ago the Russian Ambassador from the new Republic, soon to be so cruelly wronged, brought us greetings of his great people. We have heard the distant thunders and the crashing lightnings, the diapason of the open cannon's mouth, and the alarum of the drums from East to West, and from Pole to Pole, calling men to service amid the carnage where once grew the fair lilies of France. Pardoned may we be if occasionally our minds have followed our hearts and wandered across the seas while our bodies still kept their accustomed places in this chamber. The wandering was not for long, but back here have come the mind and heart as vassals of duty to do their work. Though all the world blazed in the glory of arms and sacrifice, it has not been for us thus to serve, but in a plain and inconspicuous manner here to endeavor to protect and advance those ideas for which our sons fight "in the heavens above, in the earth beneath and in the waters under the earth," and, when the record is finally written, may it be said of this Convention that, called to peaceful deliberation when all nations were at war, it found its duties not unimportant, but discharged them with such honesty of purpose and such clearness of vision as to receive the "Well done" of the people of Massachusetts.

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